

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-CR-00336-RJC

USA

v.

ANTONIO MOSLEY

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ORDER

**THIS MATTER** is before the Court upon a motion by the defendant pro se to correct alleged “clerical” errors in the presentence report, pursuant to Rule 36 of the Federal Rules of Criminal Procedure. (Doc. No. 127).

The defendant’s characterization of clerical errors is actually a dispute about whether prior convictions were properly used to calculate the advisory guideline range under the United States Sentencing Guidelines. (Id. at 2-3). A court has authority to correct clerical errors in the record pursuant to Rule 36; however, “it is well established that defendants convicted in federal court are obliged to seek habeas relief from their convictions and sentences through [28 U.S.C.] § 2255. Rice v. Rivera, 617 F.3d 802, 807 (4th Cir. 2010). Here, the Court denied the defendant’s attack on his sentence in ruling on his § 2255 motion. (Doc. No. 133 at 14-15).

**IT IS, THEREFORE, ORDERED** that the defendant’s motion to correct clerical errors in the presentence report, (Doc. No. 127), is **DENIED**.

Signed: August 29, 2018



Robert J. Conrad, Jr.  
United States District Judge

